

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 1-8 and 11 are pending. Claims 1-4 have been canceled, and claims 5, 6 and 11 have been amended. No new matter has been added by reason of these amendments.

Rejections under 35 U.S.C. §112, first paragraph

By Office Action mailed October 9, 2007 claims 1-5 and 11 stand rejected under 35 U.S.C. 112, second paragraph. The Examiner is of the opinion that said claims are “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” The 1st recitation regarding the preamble of claim 1 is now moot as claim 1 has been cancelled. However, the suggested language “A compound of formula:” has been incorporated into claim 5 and claim 5 has been rewritten as an independent claim.

The examiner recites the term “substituted” in parenthesis at various places in claims 1-5 rendering the claims indefinite. Claims 1-4 have been canceled and claim 5 has been amended. Finally, the 3rd point where “heterocyclic rings” was repeated is now moot as claim 1 is abandoned.

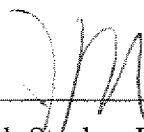
Rejections under 35 U.S.C. §102

Claims 1 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by references Henze et al., J. Amer. Chem. Soc., 79, 2230-2232, 1957, Schindler et al., US 6,844,347, and Gelsen et al., US 5,138,058. Claims 1-3 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by John et al., US 6,518,424.

Claims 1-3 have been cancelled and claim 11 has been amended to be dependent upon claim 5.

In view of the above amendments and remarks, allowance of claims 5-8 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (858) 617-7777.

Respectfully Submitted,



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